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IN THE CIRCUIT COURT OF ALEXANDER COUNTY, ILLINOIS

MICHAEL TAYLOR

Plaintiff,

vs.

CHARLES WHITAKER
d/b/a CLUB ELITE
618 COMMERCIAL AVENUE
CAIRO, ILLINOIS 62914

and

RODNEY MOORE
d/b/a CLUB ELITE
618 COMMERCIAL AVENUE
CAIRO, ILLINOIS 62914

Defendants.

Case No.: 2008 L 9

FILED

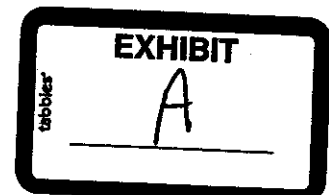
SEP 25 2008

Shirley M. Miller
CIRCUIT CLERK ALEXANDER COUNTY

PETITION

COMES NOW Plaintiff, Michael Taylor, by and through his attorney, Andrew R. Tarry of the Tarry Law Firm, L.L.C., of Cape Girardeau, Missouri and for his cause of action against Defendants, Charles Whitaker d/b/a Club Elite and Rodney Moore d/b/a Club Elite hereby alleges, states and avers as follows:

1. That the Plaintiff, Michael Taylor, is now and at all times mentioned was a resident of Williamson County, Illinois particularly residing at 1101 West Main, Apartment 612, Marion, Illinois 62959;
2. That Defendant, Charles Whitaker, is a co-owner of an establishment known as Club Elite, located at 618 Commercial Avenue, Cairo, Alexander County, Illinois 62914, which is a tavern primarily engaged in the business of serving alcoholic beverages to it's patrons;



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3. That Defendant, Rodney Moore, is a co-owner of an establishment known as Club Elite, located at 618 Commercial Avenue, Cairo, Alexander County, Illinois 62914, which is a tavern primarily engaged in the business of serving alcoholic beverages to it's patrons;

4. That on or about November 12, 2006, Plaintiff was a patron of Defendants' tavern. While at the tavern, Michael Taylor's son, Michael Taylor, Jr. was struck several times and eventually was knocked unconscious by two assailants, Brandon Childs and Jason Cross. The Plaintiff, Michael Taylor, after learning that his son had been injured, went to his son and was bending down when the assailants, Brandon Childs and Jason Cross struck the Plaintiff in his face;

5. That at all times relevant hereto, it was the duty of the Defendants' as owners of Club Elite to use ordinary care to keep the premises of their business safe for their customers;

6. That, the Defendants breached their duty of care to the Plaintiff in the following respects:

- a. Failing to provide adequate security;
- b. By failing to act and/or failing to act appropriately once the two individuals, Brandon Childs and Jason Cross, began to assault the Plaintiff and his son; and
- c. By failing to warn of the existence of the danger posed by Brandon Childs and Jason Cross, two individuals generally known for violence;

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7. That as a direct and proximate cause of the negligence of Defendants, Plaintiff, Michael Taylor, sustained a bilateral compound mandible fracture, or a broken jaw, on both sides of his face, which required immediate treatment at Saint Francis Medical Center in Cape Girardeau, Missouri;
8. That all of the above injuries are and were severe, permanent and progressive in nature, character and extent. That prior to Plaintiff's aforementioned attack, said Plaintiff was without said severe impairment and disability and that he has suffered, is suffering and will continue to suffer great physical and mental pain; the Plaintiff is physically impaired now and will be in the future; he also has lost, is losing and will in the future continue to lose sleep and rest; large sums of money for medical treatment have been expended in excess of the amount of \$45,737.25 and will be required to be expended in the future in an unknown amount on his behalf;
9. That as a direct and proximate result of Defendants' negligence, Plaintiff has missed work because of his injuries and has lost wages in an unknown amount and will lose wages in the future in an unknown amount;
10. That all of the aforementioned severe, permanent and progressive injuries as well as pain and suffering were directly and proximately caused by the carelessness and negligence of the Defendants and the Plaintiff asks for damages in a fair and reasonable amount in excess of \$200,000.00.

WHEREFORE, Plaintiff, Michael Taylor, prays for judgment against Defendants for a fair and reasonable sum in light of the circumstances in excess of \$200,000.00; for his costs expended herein and for such other and further relief that this Court deems just and proper.

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Respectfully submitted,
TARRY LAW FIRM, L.L.C.



Andrew R. Tarry - No. 53061
827 Broadway
Cape Girardeau, Missouri 63701
573-651-8644 Telephone
573-651-8636 Facsimile
Attorney for Plaintiff

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STATE OF Illinois)
COUNTY OF Williamson) SS.

Michael Taylor, being first duly sworn upon his oath, states that he is the Plaintiff named above, and that the facts and matters contained therein are true and correct according to the best of his knowledge, information, and belief.

Michael Taylor
MICHAEL TAYLOR

Subscribed and sworn to before me in the county and state above mentioned this 23rd day of July, 2008.

Teresa A. Dunaway
Notary Public

